

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation
of Bernard L. Madoff Investment Securities
LLC and the Chapter 7 Estate of Bernard L.
Madoff,

Plaintiff,

v.

NATIXIS S.A. and TENSYS LTD.,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-05353 (CGM)

**[PROPOSED] ORDER GRANTING DEFENDANT NATIXIS S.A.'S
MOTION TO DISMISS THE AMENDED COMPLAINT**

WHEREAS, on January 31, 2023, Plaintiff Irving H. Picard, as Trustee for the Liquidation of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, filed the amended complaint in the above-captioned adversary proceeding (“Amended Complaint”) against Natixis S.A. (“Natixis”) and Tensyr; and

WHEREAS, on April 17, 2023, Natixis filed a motion to dismiss for failure to state a claim and for lack of personal jurisdiction pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(2), respectively, as made applicable to these proceedings by Federal Rule of Bankruptcy Procedure 7012(b) [ECF No. ___ in Adv. Pro. No. 10-05353] (“Motion”); and

WHEREAS, the parties’ briefs, declarations, and other papers in support and opposition to the Motion were fully submitted as of July 31, 2023, and the Court held oral argument on October 18, 2023; and

WHEREAS, on _____, 2023, the Court issued a written decision (the “Decision”) granting the Defendants’ Motion;

IT IS HEREBY ORDERED:

1. The Motion is GRANTED and the Amended Complaint is DISMISSED.
2. The Clerk of the Court is hereby directed to enter judgment in favor of Defendant Natixis in this Adversary Proceeding No. 10-05353 consistent with this Order.

Dated: _____
Poughkeepsie, New York

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge